

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

THE ESTATE OF YARON UNGAR, et al.,

Plaintiffs – Judgment Creditors,

v.

C.A. No. 00 – 105 L- DLM

THE PALESTINIAN AUTHORITY, et al.,

Defendants – Judgment Debtors

**NOTICE OF RECENT DECISION IN BITON V. PALESTINIAN AUTHORITY
DENYING DEFENDANTS' RULE 55(c) MOTION**

Defendants' Rule 60(b)(6) motion to vacate is currently pending before the Court.

Plaintiffs hereby respectfully call the Court's attention to the decision issued on July 21, 2008 in *Biton v. Palestinian Authority*, --- F.Supp.2d ----, 2008 WL 2796469 (D.D.C. 2008), which **denied** the defendants' Rule 55(c) motion to vacate their default in that case. Copy attached.

The *Biton* decision, which speaks for itself, constitutes powerful further on-point authority to deny the defendants' pending Rule 60(b)(6) motion in the instant case.

Indeed, in the District of Columbia (as in the First Circuit) relief from a default under Rule 55(c) is granted more liberally than relief from a default judgment under Rule 60(b)(6). *See e.g. Keegel v. Key West & Caribbean Trading Co.*, 627 F.2d 372, 375 n.5 (D.C.Cir. 1982) (noting that Rule 55 standard is "less rigid" and requires a "more liberal attitude" than Rule 60 allows); *Capital Yacht Club v. Vessel Aviva*, 228 F.R.D. 389, 393 (D.D.C. 2005) ("courts grant vacatur of default more freely than vacatur of default judgment").

Thus, the reasoning of the *Biton* decision denying relief even under the liberal standard of Rule 55(c) applies *a fortiori* to defendants' pending motion in this Court under the stricter standard of Rule 60(b)(6).

Plaintiffs, by their Attorney,

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CERTIFICATION

I hereby certify that on July 23, 2008 I served this document along with the attached exhibit via ECF to the following counsel of record:

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